In the High Court for the States of Punjab and Haryana, at Chandigarh.

RSA No. 683 of 2007 (O&M)
Decided on Mach 06,2007.

Lachhman Singh and others --- Appellants
vs.
Smt. Anita Devi and others --- Respondents.

RSA No.699 of 2007 (O&M)
Decided on March 06,2007.

Lachhman Singh and others --- Appellants
vs.
Angrej Singh --- Respondent.

AND

RSA No.700 of 2007 (O&M)
Decided on March 06,2007.

Lachhman Singh and others ---Appellants
vs.

Jaswant Singh ---Respondent.

Present: Mr. C.B.Goel, Advocate, for the appellants.
in all the three appeals.

Pritam Pal,J: (Oral)

The above mentioned three Regular Second Appeals i.e. bearing Nos. 683 of 2007 (Lachhman Singh and others v. Smt. Anita Devi and others), 699 of 2007 (Lachhman Singh and others vs. Angrej Singh) and 700 of 2007 (Lachhman Singh and others v. Jaswant Singh), arise out of the impugned common- judgment and decree dated February 28,2005, passed by learned Civil Judge (Senior Division), Kurukshetra, whereby the suit for damages filed by the

respondents/plaintiffs (hereinafter referred to as 'the respondents), on account of the death of Naib Singh and injuries caused to Angrej Singh and Jaswant Singh,were decreed. Thereafter, the three appeals filed by the appellants/defendants (hereinafter referred to as 'the appellants', before the learned First Appellate Court, were dismissed.

Without going into any further details, suffice it to say that on March 03,1994, at about 8.p.m., in the area of Police Station, Shahbad, District Kurukshetra, an altercation had taken place on account of opening of *Nali* (drain), in village Charoni, between the appellants on one hand and Naib Singh, since deceased, and injured Angrej Singh and Jaswant Singh on the other hand. At the time of occurrence, Lachman Singh appellant caused fire arm injuries on the person of Naib Singh (32 years), an employee of the Haryana Roadways. Ultimately, he (Naib Singh) expired on the same day. In the said occurrence, other appellants had also caused fire arm injuries on the skull of Jaswant Singh (25 years) and in the abdomen of Angrej Singh (28 years). Both the injured had to go under operation in the Post Graduate Institute of Medical Sciences and Research, at Chandigarh and later on, they also remained admitted in Civil Hospital, at Karnal. On account of the aforesaid occurrence, a criminal case under Sections 302 and 307/34 of the Indian Penal Code, and Section 27 of the Arms Act, was registered against the appellants in Police Station, Shahbad vide F.I.R.No. 51 dated March 03, 1994. In the said criminal case, conviction and sentence passed by the learned 'Court of Session', against the appellants was also upheld up to the Hon'ble Supreme Court. Prior to that, three suits for damages i.e. (1) Civil Suit No. 37 of

2001/1996 dated March 08,2001/March 07,1996, by Angrej Singh against Lachhman Singh and others, (2) Civil Suit No.285 of 1998/1996 dated April 30,1998/ March 07,1996, by Smt. Anita Devi, widow of said Naib Singh, three minor children and Smt. Ajmero, mother of Naib Singh,(since deceased), and (3) Civil Suit bearing No. 119 of 2002/1996 dated March 07,1996/ July 05, 2002 by Jaswant Singh against Lachhman Singh and others, were filed.

The learned trial Court after recording the evidence and hearing the learned counsel for the parties, awarded Rs. 4,00,000/- (Four lakhs) as compensation to the five claimants i.e. Smt. Anita Devi and others, on account of the death of said Naib Singh (32 years), Rs. 50,000/- on account of fire arm injuries caused to Jaswant Singh injured/respondent and a sum of Rs. 25,000/- on account of fire arm injuries caused to Angrej Singh-respondent (28 years).

Feeling aggrieved with the aforesaid amount of compensation awarded by the learned Civil Judge against the appellants, three appeals were filed before the learned District Judge, Kurukshetra, who vide his common impugned judgment and decree dated October 12,2006, dismissed all the three appeals. This is how feeling aggrieved, the appellants have come up in these above said three Regular Second Appeals filed before this Court:-

I have heard learned counsel for the appellants and have carefully gone through the impugned judgments.

Learned counsel for the appellants has put-forth his two fold arguments (i) that the amount of compensation of Rs. 4,00,000/-

awarded by the Courts below on account of death of said Naib Singh, is on the higher side. In support of his this argument, reliance was place on Managing Director, Tamil Nadu State Transport Corporation Ltd vs. K.I.Bindu and others 2006 ACJ 423. The second point of argument raised by learned counsel for the appellant is that the suit was filed after the expiry of two years from the date of occurrence of the fatal incident, so, the same was time barred.

The first contention of learned counsel for the appellants fails to carry any conviction with this Court inasmuch as in the case of Naib Singh's death, he was a young man of 32 years. At the time of his death, he was serving in the Haryana Roadways Department and was drawing Rs. 2500/- per month. In this case,the claimants are his widow, three minor daughters and old mother, who have no source of income at all. Both the Courts below have given concurrent findings in that regard.

A perusal of the aforesaid ruling relied upon by the learned counsel for the appellants goes to show that the Hon'ble Supreme Court in a case of death of a U.D.C., having the age of 34 years, had reduced the compensation from Rs. 7,94,784/- to Rs. 6,00,000/- in favour of four claimants. Here in the instant case, there are five claimants and only a compensation of Rs. 4 lacs has been awarded, which to my mind, is quite reasonable and justified.

Now adverting to the second point of argument, which pertains to the period of limitation for filing such kind of suits for damages, in this regard, it is suffice to say that when injury is caused

intentionally, then the provisions of general law are applicable for the purpose of seeking damages on account of such death and injuries and such suit for damages under the general law, is maintainable within three years of the occurrence. In this regard, reliance was also placed before the Courts below in the case of Partap Singh v. Gurdial Kaur, 1998 (4) RCR 374.

No other point has been urged or argued before me by the learned counsel for the appellants.

In this view of my foregoing discussion, I do not find any perversity in the concurrent findings arrived at by the Courts below on the material issues of the case in hand. Moreover, no substantial question of law could be made out by the learned counsel for the appellants for consideration by this Court in these three Regular Second Appeals. Hence, the same are hereby dismissed in *limine*.

March 06,2007 (Pritam Pal)
RR Judge